

Council Meeting – *Agenda*

CITY COUNCIL CALENDAR

Thursday, November 8, 2007 - 7:00 p.m.

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OPENING OF SESSION BY: CITY COUNCIL PRESIDENT DAVID ALVES

***PRAYER LED BY: THE VERY REVEREND FATHER CONSTANTINE BEBIS
PASTOR, ST. GEORGE GREEK ORTHODOX CHURCH
ARCHIMANDRITE OF THE GREEK ORTHODOX CHURCH***

PLEDGE OF ALLEGIANCE

***THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL WILL BE HELD
ON TUESDAY, NOVEMBER 20, 2007, DUE TO THE THANKSGIVING HOLIDAYS;
THE AGENDA WILL CLOSE ON THURSDAY, NOVEMBER 15, 2007, AT 10:00 A.M.***

CITATIONS

1. CITATION, Council President Alves, honoring the CLUB SPORT MADEIRENSE, INC. on the COMMEMORATION OF THE ORGANIZATION'S 90TH ANNIVERSARY.
2. CITATIONS, Councillor Pina, honoring ADONIS FERREIRA, JOHN LOBO, ROBERT "BOB" NOONAN, NELSON HOCKERT-LOTZ, FRED MACEDO, THE VETERANS TRANSITION HOUSE, and HONEY DEW DONUTS for their Community Spirit, Generous Donations, Tireless Support and Outstanding Efforts to the City and OPERATION CLEAN SWEEP.
3. CITATION, Councillor Pina, honoring ABC DISPOSAL SERVICE, INC. and THE CAMARA FAMILY (Laurinda F. Camara, Michael A. Camara, Steven A. Camara, Kenneth J. Camara and Susan M. Sebastiao) in recognition of THEIR GENEROSITY IN PROVIDING DUMPSTERS, FREE OF CHARGE, FOR TRASH COLLECTION IN VARIOUS WARDS.
4. CITATIONS, Councillor Gomes, honoring the RECIPIENTS of the MARTHA BRIGGS EDUCATIONAL AWARDS.

RESOLUTIONS

5. RESOLUTION, Councillors Koczera and Morad, honoring the 75TH ANNIVERSARY of the PANTHERS ATHLETIC AND SOCIAL CLUB.
6. RESOLUTION, Councillor Coelho, honoring AHA! for its Contributions to New Bedford and its 100TH CONSECUTIVE ART AND CULTURE NIGHT CELEBRATION.

7. RESOLUTION, Council President Alves, honoring STUART I. FORMAN, M.ED., PH.D., FACHE ON THE OCCASION OF HIS RETIREMENT after nearly Two Decades at the Helm of the GREATER NEW BEDFORD COMMUNITY HEALTH CENTER.

HEARINGS

8. PETITION, NSTAR Electric, for location of two (2) Conduits and one (1) Handhole in HALLS COURT, South of William Street.

8a. ORDER,

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$273,934.00 from STABILIZATION FUND to TREASURERS DEBT.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER for the TRANSFER of \$4,000.00 from SALE OF LOTS to CEMETERY, CAPITAL OUTLAY.

M2a. AN ORDER,

M3. COMMUNICATION, Mayor Lang, to City Council, submitting a request for ONE-YEAR WAIVER OF RESIDENCY for MR. JAMES HOUGHTON, 180 Dailey Drive, Franklin, MA 02038, as DIRECTOR OF GRANTS AND FINANCE FOR THE NEW BEDFORD POLICE DEPARTMENT; this Waiver will expire November 16, 2008.

M4. COMMUNICATION, Mayor Lang, to City Council, submitting a SEWER ABATEMENT REQUEST for COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION/OFFICE OF WATER WAYS, New Bedford State Pier, Account No. 29087, in the amount of \$4,637.00.

M5. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of NILTON CORDONIZ, 177 Central Avenue, New Bedford, MA 02745, as SPECIAL POLICE OFFICER.

M5a. APPLICATION,

M6. COMMUNICATION, Mayor Lang, to City Council, submitting the REAPPOINTMENT of DAVID LEE BOTAS, 24 Independent Street, New Bedford, MA 02744 as CONSTABLE.

M6a. APPLICATION,

NEW BUSINESS

9. WRITTEN MOTION, Councillor Coelho, requesting that the grassy area between Pope's Island and Captain Leroy's Fishing Trips be looked at for possible blacktopping as a parking lot, since this piece of grass is already being used for parking; and further, that the fire hydrant located on that piece of grass, which is uncovered, be immediately protected with a cover.

10. WRITTEN MOTION, Councillor Coelho, requesting that the Park Department increase the cleaning and maintenance of the duck pond at Brooklawn Park; the Park's wildlife is in need of better care and protection.

11. WRITTEN MOTION, Councillor Pina, requesting that the City look into the closing of the Airport Grille, a viable business, which closed suddenly without any warning to the 25 to 30 employees, who were left unemployed; and further, that the owners Lou and Lee Khalife be invited to appear before the Committee on Appointments and Briefings to explain whether they plan to re-open the Airport Grille or sell the property. (To be referred to the Mayor's Office, the Committee on Appointments and Briefings and the Airport Commission.)

12. WRITTEN MOTION, Councillor Pina, requesting, on behalf of Rick Pimental who lives at 253 Purchase Street, that the Commissioner of the Department of Inspectional Services hold a meeting with NSTAR to discuss the wires hanging near Mr. Pimental's home, which, NSTAR states, will cost Mr. Pimental \$1,300.00 to move; NSTAR claims the City gave them permission to put the wires where they currently are.

13. WRITTEN MOTION, Council President Alves, requesting, on behalf of WHALE, that the following street(s) be CLOSED: WILLIAM STREET, from North Second Street to North Water Street; NORTH WATER STREET, from Hamilton Street to Centre Street; JOHNNY CAKE HILL/BETHEL STREET, from Elm Street to Union Street; and NORTH SECOND STREET, from Barker's Lane to William Street, on SATURDAY, DECEMBER 01, 2007, and SUNDAY, DECEMBER 02, 2007, from 8:00 A.M. to 6:00 P.M., for the purpose of the annual WHALE HOLIDAY SHOPS.

14. WRITTEN MOTION, Council President Alves, requesting that the following street(s) be CLOSED: PLEASANT STREET, from William Street to Union Street; MARKET STREET, from North Sixth Street to Pleasant Street; WILLIAM STREET, from North Water Street to North Sixth Street, NORTH WATER STREET, from Elm Street to William Street, on SUNDAY, DECEMBER 02, 2007, from 4:00 P.M. TO 6:00 P.M., for the purpose of THE DOWNTOWN CHRISTMAS TREE LIGHTING.

15. WRITTEN MOTION, Councillor Saunders, requesting on behalf of the New Bedford High School Class of 2008/Gridiron Club, that the following streets be CLOSED: LT. WALTER E. FULLER MEMORIAL PARKWAY, from Rockdale Avenue to the Monument in Veteran's Memorial Buttonwood Park, on WEDNESDAY, NOVEMBER 21, 2007, from 5:00 P.M. to 9:00 P.M., for the purpose of the New Bedford High School Thanksgiving Day Rally and Bonfire. (Also, requesting that the Traffic Commission post "NO PARKING" Signs because fire engines and floats will be parked on this section of Fuller Memorial Parkway.)

16. WRITTEN MOTION, Councillor Coelho, requesting, on behalf of Fernanda Gonzalez, 11 Spruce Street, that the following streets be CLOSED: SPRUCE STREET, from Hillman Street to North Street, on TUESDAY, NOVEMBER 22, 2007, from 5:00 p. m. to 10:00 p. m., for the purpose of the Fourth Annual Candlelight Vigil in Memory of Alberto "Tito" Gonzalez and against violence in the City of New Bedford.

17. WRITTEN MOTION, Councillor Gonsalves, asking that the Ordinance Committee review the attached "UNRULY GATHERINGS" Ordinance, from the Town of Narragansett, RI Code of Ordinances, to see if said Ordinance can be enacted in the City of New Bedford to address the continuing problems caused by the presence of college students living in the City's residential neighborhoods.

17a. COMMUNICATION, Councillor Gonsalves, submitting copy of Chapter 891, Ordinance in Amendment of Article II of Chapter 46 of the Code of Ordinances of the Town of Narragansett, Rhode Island, titled "Unruly Gatherings."

18. WRITTEN MOTION, Councillors Koczera and Coelho, asking that the City Council contact Police Chief Ronald Teachman, requesting that the Police increase the patrols along Riverside Avenue and Coffin Avenue in response to complaints from area residents about prostitution increasing in this area; further, asking that the City Council also contact Wire Inspector David DeTerra to evaluate the lack of lighting in this area near Bents Garage, and in the lower area near Star Plating, and further, asking that the Council also contact DPF Commissioner Worden and Superintendent Blanchard/DPI Commissioner Labelle about getting signage posted in the area to warn people that dumping trash is illegal and they will be fined the said amount if caught.

19. WRITTEN MOTION, Councillors Pina and DeMedeiros, requesting that the DPF and/or Police Department notify Beaumont Sign Company, 200 North Street, that they are in Violation of City Ordinances Section 16-74, which prohibits garbage from being placed out for collection earlier than 24 hours prior to the day designated for collection, and subject to penalty/fine for violation of same under Section 17-18; a specific incident recently observed was trash placed out on Friday, November 2, on the corner of North and Chancery Streets (bordering Mill and Chancery Streets) and on Durfee Street, between Shawmut Avenue and Mt. Pleasant Street, when trash pickup in those areas is actually scheduled for the following Wednesday (November 7.)

20. WRITTEN MOTION, Council President Alves, requesting that the City Council and the Mayor formally request that the Red Sox Organization consider the City of New Bedford as a primary stop on this year's World Series Trophy Tour of Communities in the Red Sox Nation, in that the residents of New Bedford have been steadfast supporters of the Boston Red Sox, and it would serve as an inspiration to the children in this area by showing them that teamwork and a commitment to achieve really pay off.

21. WRITTEN MOTION, Council President Alves, requesting that the Department of Public Infrastructure paint the lines in the road at the intersection of Ashley Boulevard and Tarkiln Hill Road; this intersection has been the site of numerous car accidents because of drivers making two lanes of traffic where only one should exist, and to also paint the lines so they identify turning lanes in that area.

22. WRITTEN MOTION, Council President Alves, requesting that the Department of Public Infrastructure check the sidewalk at 74 Sycamore Street, and the cause of water entering the basement, which is causing damage to the dwelling and is a potential liability to the City of New Bedford.

23. WRITTEN MOTION, Council President Alves, requesting that the Department of Public Infrastructure pothole crew fill with sand the postholes in the streets used by the neighborhood feast committees during their annual celebrations - on Eugenia Street and surrounding streets - to eliminate the danger to City residents as well as to eliminate the problem of the holes filling with water during the winter months, and the water then freezing and causing damage to the road surface.

24. WRITTEN MOTION, Council President Alves, requesting that the Committee on Appointments and Briefings meet with representatives of the Administration and Park Department to discuss the development of one adult and one youth soccer field on the land under Route 195, West of Route 18, with access from the Cedar Grove Street railroad underpass; in light of the increasing demand and limited access to soccer fields, this land area, once planned and developed, would provide a valuable resource to the community and take advantage of an area that is available and will not present a noise problem to neighborhood residents.

25. WRITTEN MOTION, Council President Alves, requesting that the Department of Public Infrastructure investigate and correct the problem reported by numerous residents at Melville Towers at a recent community meeting, and that is to correct/repair the ramp that goes from Melville Towers Housing Development over Route 6 to the South side near Regency Towers, where the cement has been eaten away and a large hole has developed; this hole presents a problem and a danger to the elderly and/or handicapped using the ramp, especially those in wheelchairs or using walking devices, and it is a potential liability to the City of New Bedford.

26. WRITTEN MOTION, Council President Alves, requesting that the Department of Public Facilities and Department of Public Infrastructure address the trash and debris at the public parking lot under Route 195 near the Hayden/McFadden School; and further, that they consider sending the street cleaner into the area to remove sand and other debris before it flows into the catch basins, and to ensure the safety of the school children that are in that area.

27. WRITTEN MOTION, Council President Alves, requesting that the Department of Public Facilities address and correct the problem with the all the streetlights on Hathaway Boulevard, in front of the New Bedford High School and Keith Middle School, which have not been working for some time; further, in that this is a public safety issue not only for the children attending the school and those involved in after-school activities, but also for the numerous residents who attend the many programs, meetings and activities held in both schools in the evening, that the DPF take immediate action to correct the problem; and further, due to public safety concerns, that DPF report back to the City Council, in writing, as to the action taken within 15 days.

28. WRITTEN MOTION, Council President Alves, asking that the City Council request the Police Department take action to investigate and monitor the recycling facilities (like A. W. Martin and Cody and Tobin) to ensure they are identifying and monitoring everyone who is selling scrap metals, in an effort to address the rampant vandalism and theft going on in the City of New Bedford by mid-night vandals who are breaking into vacant or foreclosed properties and stealing the copper plumbing, and even the copper wiring out of the walls, to sell to local and area recycling facilities for money to support drug or other habits; and further, that those responsible ensure that records of the individuals for the metals sold are accurately recorded and kept on file, since this problem is adding to the reduction in the comparable values of the properties being sold in the area, and will have a direct effect on the tax values and monies collected to support City services.

29. COMMUNICATION, Bob Lyonnais, George Mellor, Conrad Gallant and Victor Cardoso, to Councillor Gonsalves, Chairperson of the Committee on Ordinances, re: 10/27/07 S-T article "Unleashed dogs in parks could bring higher fines," requesting that signs be installed at tennis courts stating courts are to be used for tennis purposes only, prohibiting dogs, roller blading, hockey, and/or any other activities that abuse or damage the courts, which were repaired and repainted this past summer. (To be referred to the Committee on Ordinances.)

30. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on October 01, 2007, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: 193-195 Coggeshall Street, Plot 93/Lot 165, Area of 5,058 square feet (Former Owner: Deborah Moss); Total Amount due on the parcel as of the date of the Decree is \$73,229.95.

31. COMMUNICATION, Blair S. Bailey, Tax Title Attorney, to City Council, re: Acquisition of New Tax Possession, advising that, on September 20, 2007, the Land Court issued a Decree of Foreclosure, and the City has acquired the following property as Tax Possession: 183-185 Weld Street, Plot 84/Lot 340, Area of 3,101 square feet (Former Owner: Shirley Jason); Total Amount due on the parcel as of the date of the Decree is \$113,646.63.

TABLED BUSINESS

02/23/06 WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

02/23/06 COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

07/20/06 CITATION, Councillor Pina, honoring PAUL PELLETIER, in recognition of his Years of Service to the Residents of Boa Vista Housing Development as President of the Tenant Association for the past Six Years.

08/17/06 CITATION, Councillor Pina, honoring BELMIRO FERNANDES, United States National Guard, in recognition of his serving our Country in Operation Iraqi Freedom, from September 06, 2005, until July 06, 2006.

08/17/06 RESOLUTION, Council President Alves, recognizing AUGUST 09, 2006, as COMCAST/TOON DISNEY'S PASSPORT TO READING DAY IN NEW BEDFORD.

08/17/06 RESOLUTION, Council President Alves, honoring POLICE OFFICER PAUL FONSECA for his HEROIC ACTIONS AT THE SAVOY NURSING HOME FIRE – JULY 23, 2006.

01/25/07 WRITTEN MOTION, Councillor Pina, requesting, on behalf of the residents of Hillman Street, that the Traffic Commission issue Residential Parking signs to the neighbors surrounding the Quest Center and New Directions, as the employees, and visitors are taking up all the parking spaces, and, since there is no residential off-street parking at their homes, the residents are in need of parking places.

02/08/07 HEARING, on APPLICATION of CYNTHIA AND ERIC BELINKOFF, 366 HATHAWAY REALTY TRUST, 366 HATHAWAY ROAD, NEW BEDFORD, MA 02740, requesting AN INCREASE in License to keep, store and/or sell products of CRUDE PETROLEUM or any of its products, at 366 HATHAWAY ROAD, being Plot 94, Lot 20; Application is for 40,000 GALLONS (from 25,520 gallons) of gasoline and diesel fuels underground. (License for 25,520 gallons was previously granted on September 13, 1973, to Texaco, Inc., and registered to 366 Hathaway Realty Trust in August 2006.) (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

02/08/07 AN ORDER, (In City Council February 08, 2007 – Tabled until next Council Meeting – February 22, 2007.) (In City Council February 22, 2007 – Motion by Councillor DeMedeiros to keep item on the Table ADOPTED – All Ayes. – TABLED.)

05/24/07 CITATION, Councillors Alves and Pina, honoring P.A.C.E. (PEOPLE ACTING IN COMMUNITY ENDEAVORS,) in recognition of 25 YEARS OF SERVICE TO THE GREATER NEW BEDFORD AREA.